

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

FIREARMS REGULATORY  
ACCOUNTABILITY COALITION, INC.,  
STATES OF WEST VIRGINIA, NORTH  
DAKOTA, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, *et al.*,

Defendants.

Civil Action No. 1:23-cv-0024-DLH-CRH

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY AND MAY 31  
COMPLIANCE DEADLINE**

Plaintiffs hereby notify the Court of two district court orders that preliminarily enjoin Defendants from enforcing the Rule at issue in this case as to the parties in those courts' cases. The orders were issued on May 31, 2023—the deadline for parties in possession of braced guns to comply with the Rule or risk criminal prosecution. *See* 88 Fed. Reg. 6,478, 6570 (2023).

*First*, Judge Tipton of the Southern District of Texas preliminarily enjoined enforcement of the Rule as to the plaintiffs in *Texas v. ATF*, No. 6:23-CV-13 (S.D. TX). *See* Ex. A. Judge Tipton explained that the Fifth Circuit's appellate preliminary injunction in *Mock v. Garland*, *see* ECF No. 80-1, "necessarily found *sub silentio* that the four elements for a preliminary injunction had been satisfied," Ex. A at 2 n.2. *Second*, Judge Kacsmaryk of the Northern District of Texas preliminarily enjoined enforcement of the Rule as to the plaintiffs in *Britto v. ATF*, No. 2:23-CV-19-Z (N.D. TX). *See* Ex. B. Both injunctions will "remain in effect pending resolution of the expedited appeal in *Mock v. Garland*." Ex. A at 7; Ex. B at 2.

Given these rulings and yesterday's compliance deadline, Plaintiffs respectfully request that this Court rule on the pending motion for preliminary injunction as soon as possible.

June 1, 2023

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